

Notice of Allowability

Application No.

09/284,311

Examiner

Rodney H. Bonck

Applicant(s)

GEIS ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed December 5, 2005.
2. ☒ The allowed claim(s) is/are 17,18 and 20-32.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

The following action is in response to the amendment received December 5, 2005.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 20, line 1, "19" has been changed to – 17 --.

In claim 27, line 4, "said thick disc steel member" has been changed to – a thick disc steel member --.

The above change to claim 20 has been made to correct the dependency. Claim 20 depended from claim 19, which has been canceled. The limitations of claim 19 were incorporated into claim 17, thus it appears that claim 20 was intended to now depend from claim 17.

Claim 27 has been changed to obviate a rejection under 35 USC 112, second paragraph. Claim 27 recited "said thick disc steel member" without a proper antecedent basis, *i.e.* no thick disc steel member was previously defined. By changing "said" to "a", claim 27 now provides the initial recitation of the thick disc steel member.

Allowable Subject Matter

Claims 17, 18, and 20-32 are allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to show or render obvious a shaft locking device as defined in claim 17 wherein the drive member is a toothed wheel and has cams that penetrate into the driven member, the driven member having catch openings and the torque transmitting catch surfaces are formed by cam surfaces of the cams and the drive surfaces of the catch openings.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

The new Abstract submitted October 28, 2005 overcomes the objection set forth in the previous Office action. Accordingly, the objection is withdrawn.

In response to the rejection of claim 27 for lack of antecedent basis for "said steel member" applicants propose to change the recitation to "said thick disc steel member". Nothing has been defined as being made of steel, however, so the proposed change

does not overcome the rejection. The examiner has amended the claim to overcome the lack of antecedent basis and the rejection is withdrawn.

As applicants note, the foreign publication of the Hochmuth et al.('973) reference was not in English. Thus the effective date is not the PCT filing date, but rather is the date the application satisfied the requirements of 35 USC 371, *i.e.*, May 15, 1997, which predates applicant's priority date of August 26, 1997. Thus Hochmuth et al. is a reference under 35 USC 102(e). Furthermore, the corresponding WIPO document was published on July 4, 1996 and qualifies as a reference under 35 USC 102(b). The Hochmuth et al. references, however, do not specifically state that the input 9 (Fig. 5) is a toothed wheel as recited in claim 17. Similarly, Schwarzbich('479) and Ritter et al.('253) lack an input in the form of a toothed wheel. For this reason and for the reasons set forth above under "Reasons for Allowance", claim 17 is considered to distinguish over the prior art of record. Therefore, the rejections under 35 USC 102(b), 35 USC 102(e) and 35 USC 103(a) are withdrawn.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney H. Bonck
Primary Examiner
Art Unit 3681

rhb
December 23, 2005